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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/677,088
Filing Date	09/30/2003
First Named Inventor	Byrum, Randal, et al.
Art Unit	3731
Examiner Name	Mendoza, Michael G.
Attorney Docket Number	END-5088

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☑ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  - Substitute for Form PTO 1449
  - Related Office Actions (2)
  - Related Amendment and Response
  - Foreign References listed on IDS (41)
  - Credit card authorization

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frost Brown Todd LLC		
Signature	Edwin R. Acheson		
Printed name	Edwin R. Acheson		
Date	August 12, 2005	Reg. No.	31,808

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Signature	Elizabeth Crowe		
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PATENT

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	Byrum et al.	: Paper No:	
Serial No.	10/677,088	: Group Art Unit:	3731
Filed:	September 30, 2003	: Examiner:	Michael G. Mendoza
For:	IMPLANTABLE BAND WITH TRANSVERSE ATTACHMENT MECHANISM		

INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT
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Dear Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, Applicant herewith submits certain information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The information is listed below, and are also listed on the attached form PTO-1449.

REFERENCES	INVENTOR	ISSUE DATE
US 4,592,339	Kuzmak et al.	June 3, 1986
US 5,074,868	Kuzmak	December 24, 1991
US 5,152,770	Bengmark et al.	October 6, 1992
US 5,226,429	Kuzmak	July 13, 1993
US 5,449,368	Kuzmak	September 12, 1995
US 5,601,604	Vincent	February 11, 1997
US 6,461,292	Forsell	October 8, 2002
US6,470,892	Forsell	October 29, 2002
US 2002/0198548	Robert	December 26, 2002
US 2003/0105385A1	Forsell	June 5, 2003
US 2003/0114729A1	Forsell	June 19, 2003

FOREIGN REFERENCES	INVENTOR	ISSUE DATE
EP 0 611 561 A1	Kuzmak	September 24, 1993
EP 0 611 561 B1	Kuzmak	September 24, 1993
EP 0 702 529 B1	Vincent	May 23, 1994
EP 0 885 031 B1	Bannerman et al.	June 2, 1997
EP 0 923 356 B1	Pier et al.	June 9, 1998
EP 1 036 545 A2	Moshe	March 17, 2000

08/17/2005 CNGUYEN2 00000004 10677088
01 FC:1806 180.00 OP

REFERENCES	INVENTOR	ISSUE DATE
EP 1 091 707 A1	Forsell	June 23, 1999
EP 1 113 767 A0	Dargent et al.	March 23, 2000
EP 1 198 211 A1	Cancel et al.	July 28, 2000
EP 1 205 148 A1	Vincent	May 23, 1994
EP 1 216 012 A1	Longobardi	September 29, 2000
EP 1 237 486 A2	Cigaina	December 7, 2000
EP 1 244 399 A1	Benchetrit	December 21, 2000
EP 1 251 808 A1	Benchetrit	January 19, 2001
EP 1 259 170 A2	Birk	March 2, 2001
EP 1,281,360	Egle	July 20, 2002
WO 86/04498	Hallberg	August 14, 1986
WO 87/00034	Taylor	January 15, 1987
WO 92/02182	Kuzmak	February 20, 1992
WO 92/21293	Moll et al.	December 10, 1992
WO 94/05214	Shlain	March 17, 1994
WO 94/27504	Vincent	December 8, 1994
WO 98/56321	Hummen	December 17, 1998
WO 00/69376	Edwards	November 23, 2000
WO 01/10359 A1	Cancel et al.	February 15, 2001
WO 01/19297 A1	Latour	March 22, 2001
WO 01/24742 A1	Longobardi	April 12, 2001
WO 01/41671 A2	Cigaina	June 14, 2001
WO 01/45597 A1	Benchetrit	June 28, 2001
WO 01/52777	Benchetrit	July 26, 2001
WO 01/68007 A1	Wazne	September 20, 2001
WO 01/85071 A1	Benchetrit	November 15, 2001
WO 02/053040 A1	Gabbay	July 11, 2002
WO 02/064041 A1	Molina Trigueros	August 22, 2002
WO 02/071951 A1	Garza Alvarez	September 19, 2002
WO 02/091961 A1	Hashiba et al.	November 21, 2002
WO 02/096326 A2	Mouton	December 5, 2002
WO 02/096327 A2	Weller et al.	December 5, 2002
JP 09117454 A	Zenetsu et al.	October 25, 1995
JP 08052147	Zenetsu et al.	August 11, 1994
GB 2 139 902 A	Celestin et al.	May 17, 1984

NON-PATENT LITERATURE DOCUMENTS

1. Office Action dated 10/19/2004 for U.S. Application Serial No. 10/676,368, filed 09/30/2003.
2. Amendment and Response dated 02/18/2005 for U.S. Application Serial No. 10/676,368 filed 09/30/2003.
3. Office Action dated 05/11/2005 for U.S. Application Serial No. 10/676,368, filed 09/30/2003

Copies of the listed foreign references and non-patent literature documents are provided. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

The Assistant Commissioner for Patents is authorized to charge any deficiency or credit any overpayment to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

Randal Byrum, et al.

Dated: August 12, 2005

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Substitute for Form PTO 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known	
Application No.	10/677,088
Filing Date	September 30, 2003
First Named Inventor	Byrum
Art Unit	3731
Examiner Name	
Attorney Docket No.	0021680/0515153

Sheet	1	of	2

U.S. PATENT DOCUMENTS

Examiner initials	Cite No.	DOCUMENT NUMBER Number-Kind code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 4,592,339	06-03-1986	Kuzmak et al.	
		US- 5,074,868	12-24-1991	Kuzmak	
		US- 5,152,770	10-6-1992	Bengmark et al.	
		US- 5,226,429	07-13-1993	Kuzmak	
		US- 5,449,368	09-12-1995	Kuzmak	
		US- 5,601,604	02-11-1997	Vincent	
		US- 6,461,292	10-08-2002	Forsell	
		US- 6,470,892	10-29-2002	Forsell	
		US- 2002/0198548	12-26-2002	Robert	
		US- 2003/0105385A1	06-05-2003	Forsell	
		US- 2003/0114729A1	06-19-2003	Forsell	

FOREIGN PATENT DOCUMENTS

Examiner initials	Cite No.	Foreign Patent Document Country Code[3]-Number[4]-Kind code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
		EP 0 611 561 A1	09-24-1993	Kuzmak		
		EP 0 611 561 B1	09-24-1993	Kuzmak		
		EP 0 702 529 B1	05-23-1994	Vincent		
		EP 0 885 031 B1	06-02-1997	Bannerman et al.		
		EP 0 923 356 B1	06-09-1998	Pier et al.		
		EP 1 036 545 A2	03-17-2000	Moshe		
		EP 1 091 707 A1	06-23-1999	Forsell		
		EP 1 113 767 A0	03-23-2000	Dargent et al.		
		EP 1 198 211 A1	07-28-2000	Cancel et al.		
		EP 1 205 148 A1	05-23-1994	Vincent		
		EP 1 216 012 A1	09-29-2000	Longobardi		
		EP 1 237 486 A2	12-07-2000	Cigaina		
		EP 1 244 399 A 1	12-21-2000	Benchetrit		
		EP 1 251 808 A1	01-19-2001	Benchetrit		
		EP 1 259 170 A2	03-02-2001	Birk		
		EP 1 281 360	07-20-2002	Egle		
		WO 86/04498	08-14-1986	Hallberg		
		WO 87/00034	01-15-1987	Taylor		

EXAMINER SIGNATURE _____ DATE CONSIDERED _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

Substitute for Form PTO 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Complete if Known	
(use as many sheets as necessary)				**Application No.**	10/874,881
				Filing Date	June 23, 2004
				First Named Inventor	Byrum
				Art Unit	1615
				Examiner Name	
Sheet	2	**of**	2	**Attorney Docket No.**	0021680.0518223

		WO 92/02182	02-20-1992	Kuzmak		
		WO 92/21293	12-10-1992	Moll et al.		
		WO 94/05214	03-17-1994	Shlain		
		WO 94/27504	12-08-1994	Vincent		
		WO 98/56321	12-17-1998	Hummen		
		WO 00/69376	11-23-2000	Edwards		
		WO 01/10359 A1	02-15-2001	Cancel et al.		
		WO 01/19297 A1	03-22-2001	Latour		
		WO 01/24742 A1	04-12-2001	Longobardi		
		WO 01/41671 A2	06-14-2001	Cigaina		
		WO 01/45597 A1	06-28-2001	Benchetrit		
		WO 01/52777	07-26-2001	Benchetrit		
		WO 01/68007 A1	09-20-2001	Wazne		
		WO 01/85071 A1	11-15-2001	Benchetrit		
		WO 02/053040 A1	07-11-2002	Gabbay		
		WO 02/064041 A1	08-22-2002	Molina Trigueros		
		WO 02/071951 A1	09-19-2002	Garza Alvarez		
		WO 02/091961 A1	11-21-2002	Hashiba et al.		
		WO 02/096326 A2	12-05-2002	Mouton		
		WO 02/096327 A2	12-05-2002	Weller et al.		
		JP 09117454 A	10-25-1995	Zenetsu et al.		
		JP 08052147	08-11-1994	Zenetsu et al.		
		GB 2 139 902 A	05-17-1984	Celestin et al.		

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T[6]
		1. Office Action dated 10/19/2004 for U.S. Application Serial No. 10/676,368, filed 09/30/2003.	
		2. Amendment and Response dated 02/18/2005 for U.S. Application Serial No. 10/676,368 filed 09/30/2003.	
		3. Office Action dated 05/11/2005 for U.S. Application Serial No. 10/676,368, filed 09/30/2003	

EXAMINER SIGNATURE _____ DATE CONSIDERED _____

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[1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.